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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 JUDITH MOON, an individual,

10 Plaintiff,

11 v.

12 GMAC MORTGAGE CORPORATION,
13 d/b/a DITECH.COM, et al.,

14 Defendants.

C08-969Z

MINUTE ORDER

15
16 The following Minute Order is made by direction of the Court, the Honorable Thomas
17 S. Zilly, United States District Judge:

18 (1) Oral argument concerning the pending motions, docket nos. 76, 83, 84, and 85,
19 currently scheduled for September 11, 2009, is STRICKEN. The Court will decide the
20 motions without oral argument.

21 (2) Plaintiff's motion, docket no. 124, to strike defendants' surreply, docket
22 no. 121, and supporting declaration, docket no. 122, is GRANTED. Defendants' surreply
23 constitutes an unauthorized response to a motion to strike made in plaintiff's reply brief.

24 (3) Plaintiff's motions, docket nos. 114 and 115, to strike the declarations of Erik
25 Jenner, docket no. 98, and Christopher Diccico, docket no. 100, are DENIED. Plaintiff's
26 objection that such declarations are inconsistent with other evidence goes to the weight, not
the admissibility, of the declarations.

(4) Plaintiff's motion, docket no. 103, to strike the declaration of Dennis Moore,
docket no. 81, is GRANTED.

(5) Upon agreement of the parties, docket no. 133, the trial date is continued from
October 13, 2009, to December 1, 2009. The pretrial conference is rescheduled to November
19, 2009, at 2:00 p.m.. An agreed pretrial order shall be submitted by November 16, 2009.

1 (6) All motions in limine shall be filed (in one consolidated brief per side) by
2 November 5, 2009, and noted for the date of the pretrial conference. Responses to motions
3 in limine shall be filed (in one consolidated brief per side) at least three (3) judicial days
4 before the noting date. No reply shall be filed unless requested by the Court.

5 (7) Trial briefs and proposed findings of fact and conclusions of law shall be filed
6 by November 23, 2009.

7 (8) All other deadlines stated in the Minute Order dated September 10, 2008,
8 docket no. 42, shall remain in full force and effect.

9 (9) The Clerk is directed to send a copy of this Minute Order to all counsel of
10 record.

11 Filed and entered this 8th day of September, 2009.

12 BRUCE RIFKIN, Clerk

13 s/ Claudia Hawney

14 By _____
15 Claudia Hawney
16 Deputy Clerk
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